

FILED
6/18/20 3:21 pm
CLERK
U.S. BANKRUPTCY
COURT - WDP

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Case No.:	19-22661-GLT
	:	Chapter:	7
Jay Snyder, LLC	:		
	:		
	:	Date:	6/18/2020
<i>Debtor(s).</i>	:	Time:	10:30

PROCEEDING MEMO

MATTER:

#133 - Trustee's Motion to Sell Property Free and Clear of Liens under Section 363(f) .
Re: Three (3) 30 Cubic Yard Roll-off Collection Boxes.
#143 - CNO filed - Sale Posted on EASI

APPEARANCES:

Trustee:	Eric E. Bononi
Creditor:	Ronald Wingrove
	Black Diamond
	Iron and Metal: Darlene Nowak

NOTES: (10:30)

Bononi: We filed this motion to sell property free and clear of all liens. It was advertised in the Legal Journal on June 1, and on the Court's website. As of this date we've received no objections. The initial bid has come from Black Diamond at \$400/each. Mr. Wingrove has one container located on his premises.

Mr. Wingrove: We have a storage lien on the rollover, but do we have any rights here?

Court: The sale is free and clear of all liens, but if there is a valid lien that can transfer to the proceeds of the sale. Has there been discussion between Mr. Wingrove and the trustee?

Bononi: I have talked with Mr. Wingrove and advised him to file a proof of claim.

Mr. Wingrove: If I go over \$400, can I try to resolve this?

Court: Attny Bononi you're selling each of these rollovers for \$400? And only one is on Mr. Wingrove's property?

Bononi: Correct.

Court: Mr. Wingrove, Did you file a proof of claim?

Mr. Wingrove: I don't think so, I've never dealt with this before.

Court: What's your basis for claiming you have a lien?

Mr. Wingrove: The debtor took two loads of scrap. There were companies coming down saying they own the rollover but that didn't seem right.

Court: It seems like there were other parties claiming an ownership interest in the rollover?

Mr. Wingrove: Yes. Freedom Conway Recycling.

Bononi: I have determined this is property of the estate. I'm not sure about this Freedom Conway.

Court: The trustee is selling whatever interest the debtor may have in the rollover.

Mr. Wingrove: The gentleman is part of this bankruptcy.

Court: This was an asset listed on the petition and schedules?

Bononi: Yes.

Nowak: I'm not sure if it was. There were several rollofs that we became aware of later down the road. Freedom Conway is an affiliate of Jay Snyder, LLC.

Mr. Wingrove: Would they have to pay us for what was owned on it?

Court: This case involves this debtor, Jay Snyder LLC. Then the second question is whether there's a lien on the storage container. I'm not sure whether you allege a lien based on a statute or based on a contractual agreement. Mr. Wingrove, you are aware that this is an as-is where-is sale?

Mr. Wingrove: Yes. And we'll get a receipt?

Court: Trustee Bononi will execute a bill of sale indicating all rights transferred from the bankruptcy estate to the successful buyer.

Bononi: Correct.

Court: I have an offer for \$400 for each container. If you would like to make a higher offer you may do so.

Mr. Wingrove: If someone does outbid me, what are my rights regarding removal of the rollover from my property? When will it be removed?

Bononi: I can include something in the sale order detailing the time for removal.

Mr. Wingrove: Are they going to bring a crane in so nothing on my property is damaged? Usually they rip the ground up when it's dragged off.

Court: That's a matter between the prospective buyer and you. It's not uncommon for a property owner to ensure there is an insurance policy in place. There is a difference between damage caused by installation v. damage caused by removal. The only bid I have for the first two boxes are from Black Diamond. Attny Bononi where are those two boxes located?

Bononi: I am not sure, I would have to rely on Attny Nowak.

Nowak: I do know where they are. One is on Washington Pike Blvd, and the other is in Bunola, PA

[Two collection boxes exposed for Sale]

Court: The offer of Black Diamond for those two collection boxes are highest and best. Does Black Diamond want to enter into an auction for the third rollover asset?

Nowak: Yes.

Court: Mr. Wingrove do you want to make a higher offer?

Mr. Wingrove: Yes.

[Third box exposed for Sale - Winning Bid is Mr. Wingrove's offer of \$750]

Mr. Wingrove: Would I have to get in touch with the bankruptcy court to put a lien against the storage?

Court: I can't give you legal advice, but I would get in touch with an attorney who can advise you of your rights.

OUTCOME:

1. Trustee's Motion to Sell Property Free and Clear of Liens under Section 363(f) Re: Three (3) 30 Cubic Yard Roll-off Collection Boxes [Dkt. No. 133] is GRANTED. [JH to Enter Modified Sale Order]

DATED: 6/18/2020